

**IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY OHIO  
CIVIL DIVISION**

**SUMMONS**

**PLAINTIFF**

MICHAEL PENNESSI et al

**CASE NUMBER**

2017 CV 03361

**VS**

**DEFENDANT**

HANGER PROSTHETICS AND ORTHOTICS  
INC

**ARTICLE NUMBER**

787236375909

**TO THE FOLLOWING NAMED DEFENDANT:**

HANGER PROSTHETICS AND ORTHOTICS INC  
ONE ELIZABETH PLACE SUITE 300  
DAYTON OH 45417

You have been named a Defendant or Respondent in a complaint filed in Montgomery County Court of Common Pleas, Dayton, Ohio. A copy of the Complaint is attached.

**BY:**

MICHAEL PENNESSI  
1133 NAPA RIDGE  
CENTERVILLE, OH 45458-6018

**PLAINTIFF ATTORNEY:**

ROBERT L. GUEHL  
2312 FAR HILLS AVENUE #350  
DAYTON, OH 45419

You are hereby summoned and required to serve upon the Plaintiff's attorney, or upon the Plaintiff, if the Plaintiff does not have an attorney, a copy of an **Answer to the Complaint** within **28 days after receipt of this summons, exclusive of the day you received the summons.** Your original **Answer** must be filed with the Clerk of Court's Office within **3 days** after you serve the Plaintiff's attorney or Plaintiff.

**EXHIBIT A**

**If you fail to appear and defend, Judgment by Default may be rendered against you granting Plaintiff(s) the relief demanded in the Complaint.**

**NOTE:**

If you are represented by an attorney, your attorney is required to electronically file your Answer through the Court's authorized electronic filing system. See Montgomery County Common Pleas Court Loc. R. 1.15, Electronic Filing of Court Documents, for requirements of electronic filing. Local rules can be accessed at [www.montcourt.org](http://www.montcourt.org). Service of the Answer will be made upon the Plaintiff's attorney through the Court's authorized electronic filing system. If the Plaintiff does not have an attorney, your attorney is required to serve a paper copy of your Answer to the Plaintiff.

If you are representing yourself (appearing pro se), you have the option to file your Answer in paper OR through the Court's authorized electronic filing system (See Loc. R. 1.15, Electronic Filing of Court Documents). Local rules can be accessed at [www.montcourt.org](http://www.montcourt.org). If you file your Answer in paper, you are required to serve a paper copy of your Answer to the Plaintiff's Attorney or the Plaintiff. If you file your Answer electronically, service of the Answer will be made upon the Plaintiff's attorney through the Court's authorized electronic filing system. If the Plaintiff does not have an attorney, you are required to serve a paper copy of your Answer to the Plaintiff.



**/s/ GREGORY A. BRUSH, ISSUED Thursday, July 20, 2017**

**GREGORY A. BRUSH, CLERK  
COURT OF COMMON PLEAS  
MONTGOMERY COUNTY, OHIO**

**PREPARED ELECTRONICALLY**

**In The Court Of Common Pleas, Montgomery County Ohio  
Civil Division**

**RETURN OF SERVICE SUMMONS**

**PLAINTIFF**

MICHAEL PENNESSI et al

**VS**

**DEFENDANT**

HANGER PROSTHETICS AND ORTHOTICS  
INC

**CASE NUMBER**

2017 CV 03361

**ARTICLE NUMBER**

787236375909

**TO THE FOLLOWING NAMED PARTY:**

HANGER PROSTHETICS AND ORTHOTICS INC  
ONE ELIZABETH PLACE SUITE 300  
DAYTON, OH 45417

**RETURN OF SERVICE(PERSONAL)**

**FEES**

SERVICE \$ \_\_\_\_\_  
MILEAGE \_\_\_\_\_  
TOTAL \$ \_\_\_\_\_  
DATE \_\_\_\_\_

I received the document on \_\_\_\_\_, 2017, at \_\_\_\_ o'clock \_\_\_\_ M. and made personal service of it upon \_\_\_\_\_ by locating him/them and tendering a copy of the document and accompanying documents, on \_\_\_\_\_, 2017.

By \_\_\_\_\_

**RETURN OF SERVICE(RESIDENCE)**

**FEES**

SERVICE \$ \_\_\_\_\_  
MILEAGE \_\_\_\_\_  
TOTAL \$ \_\_\_\_\_  
DATE \_\_\_\_\_

I received the document on \_\_\_\_\_, 2017, at \_\_\_\_ o'clock \_\_\_\_ M. and made residence service of it upon \_\_\_\_\_ by leaving, at his/their usual place of residence with \_\_\_\_\_ a person of suitable age and discretion then residing therein a copy of the complaint and accompanying documents, on \_\_\_\_\_, 2017.

By \_\_\_\_\_

**RETURN OF SERVICE(FAILURE OF SERVICE)**

**FEES**

SERVICE \$ \_\_\_\_\_  
MILEAGE \_\_\_\_\_  
TOTAL \$ \_\_\_\_\_  
DATE \_\_\_\_\_

I received the document on \_\_\_\_\_, 2017, at \_\_\_\_ o'clock \_\_\_\_ M. with instructions to make personal/residence service upon \_\_\_\_\_ and I was unable to serve a copy documents upon him/them for the following reasons:

By \_\_\_\_\_

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IN THE COURT OF COMMON PLEAS  
MONTGOMERY COUNTY, OHIO

**Michael Pennessi**  
**Melissa M. Pennessi**  
1133 Napa Ridge  
Centerville, OH 45458-6018  
Plaintiffs

CASE NO. 2017 CV\_\_\_\_\_

vs.

**Hanger Prosthetics and Orthotics Inc**  
One Elizabeth Place, Suite 300  
Dayton, OH 45417  
Defendant.

JUDGE \_\_\_\_\_  
REQUEST FOR TRIAL BY JURY

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

1. Plaintiff **Michael Pennessi** is an individual person previously employed by Defendant Hanger from 2015 until wrongrully terminated on March 30, 2017.
2. Plaintiff **Melissa Pennessi** is the spouse of Plaintiff **Michael Pennessi** and as such is a necessary party to this action. She has suffered damages in the form of loss of consortium wrongfully caused by the acts of Defendant.
3. Defendant **Hanger Prosthetics and Orthotics Inc** ("Hanger") is a corporation doing business in Dayton Ohio.
4. During 2016, Hanger encountered financial difficulties and laid off numerous employees.
5. At the time of his discharge, Plaintiff Michael Pennessi's salary and benefits from his employment with Hanger exceeded \$100,000.00 per year.

6. Plaintiff Michael Pennessi was discharged without just cause despite being physically able to perform the duties and otherwise meeting the established requirements of the job and laws pertaining to the relationship between employer and employee.
7. Plaintiff **Michael Pennessi** was more than forty (40) years old at the time of wrongful firing by Defendant.
8. Defendant, as an employer of Plaintiff, breached Ohio Revised Code 4112.02(A) and 4112.14 by terminating Plaintiff because of his age, discharging him without just cause, or otherwise discriminating against Plaintiff with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment.
9. As a direct and proximate cause of the misfeasance and malfeasance by Defendant set out above, Plaintiffs have jointly suffered damages in the amount of \$400,000.00 loss of income and prospective income, loss of benefits, loss of consortium, costs of litigation, and attorney fees.

WHEREFORE, Plaintiffs request judgment against Defendant as follows:

- A. \$400,000.00 compensatory damages to Plaintiffs from Defendant;
- B. In the alternative, reinstatement in the employee's former position with compensation for lost wages and any lost fringe benefits from the date of the illegal discharge;
- C. Costs of the action, interest, and attorney fees;
- D. Such other remedies as this court deems just.

Respectfully submitted,

s/Robert L. Guehl  
Robert Guehl (# 0005491)  
2312 Far Hills Avenue  
Dayton, OH 45419  
Telephone: 937-479-5598  
Email: [rguehlesq@gmail.com](mailto:rguehlesq@gmail.com)

JURY DEMAND: Plaintiffs hereby demand trial by jury of all issues subject to this jury demand.

s/Robert L. Guehl  
Robert Guehl

TO THE CLERK: Please serve Defendant by Certified Mail, Return Receipt Requested, at the address listed in the caption.

s/Robert L. Guehl  
Robert Guehl